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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michael L. Smith,
Petitioner,
v.
Renee Baker, *et al.*,
Respondents.

Case No. 3:13-cv-00246-RCJ-WGC
**ORDER GRANTING Unopposed
Motion for Extension of Time to
File Reply (ECF No. 96)
(Second Request)**

POINTS AND AUTHORITIES

Petitioner Michael L. Smith respectfully asks this Court to enter an Order extending his deadline for filing a Reply in support of his Second Amended § 2254 Petition by 60 days until May 11, 2021.

Litigation of the warden’s motion to dismiss was completed on March 6, 2020, which this Court granted the motion in part.¹ Baker filed her Answer on November 25, 2020, following five requests for extensions.² Smith’s Reply is currently due March 12, 2021, following his request for an extension.³

This is Smith's second request for an extension.

This extension is necessary to allow counsel time to prepare and file Smith's Reply. The Answer, and in turn the Reply, address four claims, two of which are ineffective assistance of counsel claims that in turn contain several sub-claims. Given the lengthy litigation in state court and in this Court, counsel needs more time to draft Smith's Reply.

Counsel has been diligently working on this case, and in fact, worked this past weekend on it in an effort to meet today's deadline. However, counsel has been unable to complete the reply in time.

Counsel's work on this case has been slowed by the challenges of working remotely during the pandemic, and counsel's management responsibilities. Counsel was scheduled to work on this case for several hours this week, but her attention has been diverted by an upcoming pardon's board hearing. Counsel's pardon's board hearing client is terminally ill and changes in his health this week necessitated that counsel divert her attention to his case.

¹ ECF No. 83.

² ECF Nos. 84, 86, 87, 89, 91, 93.

³ ECF No. 94.

This extension will give counsel the time she needs to complete her work on Smith's Reply. This motion is not filed for the purposes of delay but in the interests of justice, as well as in Smith's interests. Accordingly, Smith respectfully asks this Court to grant the requested extension to May 11, 2021.

Counsel contacted Senior Deputy Attorney General Allison Herr by e-mail today, who replied that she did not object to the requested extension.

Dated March 12, 2021.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Amelia L. Bizzaro
Amelia L. Bizzaro
Assistant Federal Public Defender

IT IS SO ORDERED:

United States District Judge

Dated: March 12, 2021